

DAE IFW

Attorney Docket No. 037145-3302 (NC44182)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stirbu, et al.  
Title: DISTINGUISHING BETWEEN  
DEVICES OF DIFFERENT  
TYPES IN A WIRELESS LOCAL  
AREA NETWORK (WLAN)  
Appl. No.: 10/813,727  
Filing Date: March 30, 2004  
Examiner: Unknown  
Art Unit: 2681

<b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.  <u>Susan T. Golab</u> (Printed Name) <u>Susan T. Golab</u> (Signature)  May 10, 2005 (Date of Deposit)
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**RESPONSE TO NOTICE OF ABANDONMENT**

Initial Patent Examination Division  
Customer Service Center  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

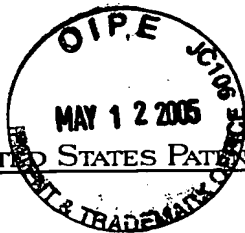
Enclosed is the Notice of Abandonment which is dated on March 14, 2005.

Also enclosed is a copy of our reply to the Notice to File Missing Parts of Nonprovisional Application as well as the return postcard with the date-stamp from the U.S. Patent and Trademark Office reflecting the timely response. We request that the U.S. Patent and Trademark Office reverse the Notice of Abandonment and issue a Corrected Filing Receipt and place the application on an accelerated examination due to the substantial delay of prosecution of this application.

Respectfully submitted,

Date MAY 10, 2005  
FOLEY & LARDNER LLP  
Customer Number: 27433  
Telephone: (312) 832-4553  
Facsimile: (312) 832-4700

By G. Peter Albert, Jr.  
Attorney for Applicant  
Registration No. 37,268



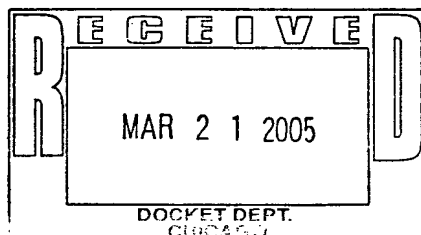
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

GPRS

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/813,727	03/30/2004	Vlad Stirbu	037145-3302

27433  
 FOLEY & LARDNER  
 321 NORTH CLARK STREET  
 SUITE 2800  
 CHICAGO, IL 60610-4764



CONFIRMATION NO. 5106

ABANDONMENT/TERMINATION LETTER



\*OC000000015454880\*

Date Mailed: 03/14/2005

### NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 06/16/2004.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item (s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(i); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-

identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

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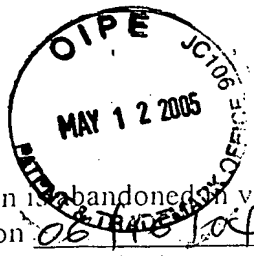
*A copy of this notice **MUST** be returned with the reply.*

Z - Mogues

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



## Notice of Abandonment

This application is abandoned in view of applicant's failure to timely file a proper reply to the Office notice mailed on 06/16/04.

### Petition to Withdraw the Holding of Abandonment

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within **2 months** from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be transmitted by facsimile directly to OIPE Customer Service at (703) 308-7751.

### Petition to Revive an Abandoned Application

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by:

1. an adequate showing of the cause of unavoidable delay;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(i); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by:

1. a statement that the entire delay was unintentional;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(m); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to Office of Petitions at (703) 305-9282.

Any questions regarding this notice should be directed to OIPE Customer Service at (703) 308-1202.

Customer Service Center

Initial Patent Examination Division (703) 308-1202



# Best Available Copy

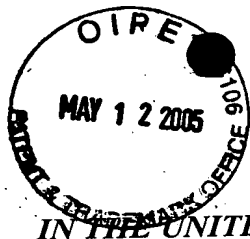
Title: DISTINGUISHING BETWEEN DEVICES OF DIFFERENT  
TYPES IN A WIRELESS LOCAL AREA NETWORK (WLAN)  
Inventor(s): Stirbu, et al. Dkt. No. 037145-3302  
Appl. No.: 10/813,727 GPAJ (8/9/04)

- Transmittal of Missing Parts (3 pgs.);
- Return Copy of Notice to File Missing Parts (1 pg.);
- Declaration and Power of Attorney (4 pgs.);
- Assignment (3 pgs.);
- Assignment Recordation Cover Sheet (1 pg.);
- Request for Corrected Filing Receipt (3 pgs.);
- Corrected Application Data Sheet (3 pgs.);
- Check Number 1088 for \$40.00.

Due Date: 08/16/04  
Date Filed: 08/09/04

Attorney Initials: GPAJ  
Insp. By:





Attorney Docket No. 037145-3302 (NC 44182)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stirbu, et al.

Title: DISTINGUISHING BETWEEN  
DEVICES OF DIFFERENT  
TYPES IN A WIRELESS LOCAL  
AREA NETWORK (WLAN)

Appl. No.: 10/813,727

Filing Date: 03/30/2004

Examiner:

Art Unit: 2681

<p><b>CERTIFICATE OF MAILING</b></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.</p> <p><u>Susan T. Golab</u> (Printed Name)</p> <p><u>Susan T. Golab</u> (Signature)</p> <p><u>August 9, 2004</u> (Date of Deposit)</p>
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**TRANSMITTAL OF MISSING PARTS  
OF PATENT APPLICATION**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application mailed 06/16/04, in the above-identified application, transmitted herewith are the missing parts to complete the filing of the subject patent application.

Enclosed are:

☒ Declaration and Power of Attorney (4 pages)

Any attached specification is a copy of the specification and any amendments thereto which were filed in the U.S. Patent and Trademark Office in order to obtain a filing date for the application.

☒ Return Copy of Notice to File Missing Parts

☐ Translation

**DOCKETED**

**AUG 13 2004**

- ☐ Drawings
- ☐ Preliminary Amendment
- ☐ Claim for Convention Priority and certified copy of priority documents
- ☐ Information Disclosure Statement
- ☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

- ☐ Extension for response filed within the first month
- ☐ Extension for response filed within the second month
- ☐ Extension for response filed within the third month
- ☐ Extension for response filed within the fourth month
- ☐ Extension for response filed within the fifth month

- ☒ Other: Assignment, Assignment Recordation Cover Sheet

The filing fee is calculated below:

	Claims as Filed	Included in Basic Fee	Extra Claims	Rate	Fee Totals
Basic Fee				\$770.00	\$770.00
Total	33	- 20	= 13	x \$18.00	= \$234.00
Claims:					
Independents:	5	- 3	= 2	x \$86.00	= \$172.00
If any Multiple Dependent Claim(s) present:				+ \$290.00	= \$0.00
Surcharge under 37 CFR 1.16(e) for late filing of Executed Declaration				+ \$130.00	= \$130.00
Assignment Recordation Fee				\$40.00	\$40.00
				SUBTOTAL:	= \$1,346.00
<input type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):					= \$0.00
				TOTAL FILING FEE:	= \$1,346.00
				TOTAL FEE	= \$1,346.00
Difference to pay:				- \$1,306.00	- \$40.00

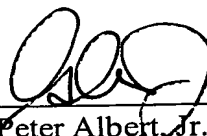
- ☒ Check in the amount of \$40.00 in payment of Assignment recordation fee

[ ] Please charge Deposit Account No. 06-1450 in the  
amount of \$0.00 in payment of surcharge fee  
(37 C.F.R. § 1.16(e))

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450.

Respectfully submitted,

Date AUGUST 6, 2004  
FOLEY & LARDNER LLP  
Customer Number: 27433  
Tele phone: (312) 832-4553  
Facsimile: (312) 832-4700

By   
G. Peter Albert, Jr.  
Attorney for Applicant  
Registration No. 37,268





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/813,727	03/30/2004	Vlad Stirbu	037145-3302

27433  
 FOLEY & LARDNER  
 321 NORTH CLARK STREET  
 SUITE 2800  
 CHICAGO, IL 60610-4764

CONFIRMATION NO. 5106

## FORMALITIES LETTER



\*OC000000012959898\*

Date Mailed: 06/16/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE